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SECTION II. PROPERTY

1. Property in General

421 The Banyarwanda have a less abstract idea of property than we have. It is comparable to that of possession.

On the other hand, no differentiation is made between personal property and real estate. Property is given different names according to its nature and use. The Banyarwanda divide their property [into the following categories]: amatungo (animals); ibintu, a generic name applicable to the rugo, imilima (fields); ubgatsi (pasturage); imyaka (crops); and urutoke (banana plantations); ibiti (trees); intwaro (weapons and cutting instruments); ibikolesho (hoes, pickaxes, baskets, churns); imyambaro (clothing).

2. Landed Property

423 True landed property exists in Ruanda, while in the Belgian Congo the natives consider that the bare ownership of the land belongs to the souls of the departed and that they themselves only have usufruct.

[643] All the land in the country belongs to the Mwami who relin-
423 guishes its use successively to the various chiefs and subchiefs. These,
425 in turn, cede an isambu (land sold) or concede an umwatano (land
427 leased) to the Bahutu in consideration of a price or a payment consisting of a certain percentage of future crops (ichyata umulima, lit., gift in order to have a field).

The Muhutu holds his land in a more or less precarious way. Even if he makes his payments regularly [42] his land may be taken away from him one day, if, for example, he neglects to pay the customary dues to the chiefs and the king. In this case he may be deprived of all or part of his land, but the last crop is not taken from him (1).

423 184 1. An appreciably different administration of property exists in the western part of Bunyambiriri, the extreme north of Ndiza,

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and in Rukiga (provinces of Mulera and Bugoyi) where the land cleared and cultivated by the Bahutu are subject to a right of family property. This right is sacred and the Batutsi, whose power in these regions is rather nominal, know that they cannot dispute it without exposing themselves to serious miscalculations and even to bloody reprisals.

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[622] [475] The hill chief also has the right to take a plot of land (ubugerure) from the Bahutu in order to form an ubuka which he wishes to give to someone else or to keep as his own property (imilima y'inyarulembo). The part of the plot that is left to the Muhutu is called isagu.

[428] The Muhutu can transmit his right of exploitation to his son by inheritance. Land that passes from one generation to the next is called indeka.

[576] Land is sometimes held collectively by a family in the person of its head (isambu or ingobyi y'iwabo). Members of the family pay him no rent and, to the exclusion of strangers, have the right to cut firewood and graze their cattle there.

[622] There are also communal woods (itshanya). The hill chief reserves part of them for himself and allows the hill people to exploit the remainder.

[563] The Batwa claim to be the legitimate occupants of the forests. For this reason they often enter into disputes with the Bahutu living near the wooded regions.

[622] Mines and quarries of clay are the property of the chief, but he allows his people to [43] supply themselves there in exchange for a payment (a hoe or some pots).

The boundaries (imbibi) of fields are usually marked by small ditches (impavu) or piles of stones (ibishyinga).

There are no neutral zones between lands.

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423 An inkungu is a piece of ground that has been abandoned because of the holder's voluntary departure or death without leaving an heir. A man who has been cursed by his father or driven out by the chief because of repeated thefts of cattle, for example, must also abandon his plot. The chief can offer an inkungu (or an ubugerure) to a stranger to the hill who asks to settle there. If he is a Muhutu, he is

423 [425] obliged to submit to the same obligations as his predecessor. If he is a Mututsi, he is not required to pay any ground rent, and the chief gives him a pasture in addition.

Rights of way and of access are not private. The hill people may move about freely on each other's land. This is also true of the cattle for which special paths are made.

672 692 In the case of a dispute in matters of landed property, litigation is taken to the hill chief who goes to the place and, after having heard the witnesses, decides between the plaintifs.

3. Customary Law of Hunting

224 Customary laws of hunting are very numerous. Of these we will quote only a few of the most frequent cases.

A native hunting alone who has killed an ordinary antelope (impongo) takes the meat and skins the animal.

224 622 Hunting with beaters is organized by the chief who decides on the land to be beaten after having taken the advice of the [44] expert Batutsi or Bahutu hunters and following the indications of the trackers. The chief also chooses the beaters from among the least good shots. To stimulate their zeal in this thankless task, he promises them pots of beer if the hunt is successful.

224 The natives are required to take part in the hunt, but they fulfill this obligation willingly as it is a much appreciated entertainment and also a source of profit.

Whoever first wounds an animal during a battue or beat, is presumed to have killed it. He is entitled to the skin and one rear leg. The meat is divided among all the Batutsi and Bahutu hunters. The hunter who has killed several antelopes may keep the skin of one animal.

224 643 Whoever finds an animal that has been killed must return it to the hunters. At least theoretically, game belongs to the king and skins of any value (1) must be turned over to him, especially those of

281 1. Skins of marsh antelopes are much appreciated by the Batutsi because of their long silky fur with which they make bed coverings. Skins of the "bush bock" and

5. Small Domestic Animals

422 231 The Mwami has a rather theoretical right of ownership of small livestock which are considered valueless by the large stockbreeders.

Consequently, the Bahutu can sell or keep for their own consumption goats and sheep.

[235] Poultry also belongs to the Bahutu who are required to provide, without remuneration, the chicks needed for divinatory sacrifices. Hens and eggs are not eaten by natives and therefore, except in the neighborhood of European posts, have no commercial value.

Small livestock as well as poultry are the exclusive property of men.

[224] The Banyarwanda are very fond of their hunting dogs. The Batutsi will pay as much as one or two cows for a dog that is known for its hunting qualities.

6. Other Personal Property and Real Estate

423 Among the Batutsi, the husband and each of his wives live in their individual rugo, but all these dwellings belong to the husband. In the same way, among the Bahutu, the hut and its annexes belong to the husband.

422 Work tools belong to the husband. The wife and children may not lend them without his permission, except for a short time.

[60] Household utensils given the wife by her husband remain his property. But the ibirongoranywa (1), that is to say,

1. Cf. note 1, p. 44.

the objects, utensils, and clothing, given by the father to his daughter at the time of her marriage, often equal to the value of several cows, or even consisting of cows, belong to the wife. She may dispose of them as she chooses, except in the case of cows.

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it is correct, the domination of the Batutsi over Ruanda would go back nearly four centuries.

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The Abanyiginya and the Abega are the most influential noble families of the country, and kings and queens have been chosen from among them since the earliest times.

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The kings of Ruanda have two names, that given them at birth (Musinga, Rudahigwa) and that given them on their accession (Yuhi, Mutara).

When the Mwami dies royal power passes to one of his sons, generally to one of the youngest.

The divine origin attributed to royalty and the legitimacy conferred on the king by a very long heredity led to the [86] acknowledgment of a third characteristic of royal power, that is to say, autocracy.

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The Mwami is the undisputed master of the whole country, of the land (fields and pastures), of the cattle, as well as of the people. He is the only real proprietor, all those on whom he bestows his generosity being merely his life tenants.

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He does not necessarily own the land which he cultivates himself, and he does not need to, since his revenues are enriched by the tributes and payments owed to him by each of his subjects. When he is young he receives in appanage from the king, his father, one or several provinces, as well as cattle, and servants. On his accession he may keep all these provinces or give them to others (1).

1. Mutara Rudahigwa has kept his provinces of Nduga and Marangara but has shifted the responsibility of their administration to an umutware.

His favors may be bestowed to anybody, to a Muhutu and even to a Mutwa, whom he can raise immediately to the highest rank. Formerly, even in Musinga's time, those who had ceased to please the Mwami, or simply those whose property he coveted, could be dispossessed any day regardless of their high positions, all influence taken from them, and they themselves exiled from the country. Today, if the Mwami wishes to occupy a certain hill, he asks one

241 In spite of all this, the Barundi do not grow more crops
433 than they need for their subsistence during the year. The soil
[134] is, for the most part, fertile red earth and, in the valley plains, dark gray alluvial soil or humus, except in the sterile and stony quartzite regions of the east. With or without artificial irrigation, this soil could produce much more if a larger area were cultivated. This is prevented mainly by the absence of trade. [56] Since there are neither markets nor organized trade in the large area of central Urundi -- only the Tanganyika region possesses both -- the Murundi could do nothing with what he produced beyond his own needs. Moreover, the Murundi does not anticipate bad harvests. Like nearly all Negroes, he never
731 worries about the future. Since not even the hardy manioc (which, even in the driest years when everything else withers, still furnishes a good yield) is grown in large quantities, extensive areas are plagued by famine in poor harvest years. This is especially true of the arid quartzite regions of eastern Urundi.
[197] Then the missionary stations (Mugera, Mujaga, and others) and the government try to help by importing grain (sorghum) from Uha and Usámbiro, but they still cannot prevent many people, particularly children, from starving to death.

241 Another important reason that prevents further expansion
423 of agriculture can be found in the way land is owned, in the overruling power of the Batussi who claim, above all, grazing land for their herds of cattle. We shall discuss this problem later (p. 57).

241 Various efforts are made to protect the growing crops
136 against pests. Weeds are cleared away; caterpillars, beetles, and snails are picked off; birds are frightened away by scarecrows which, for example, are made of gallows-shaped sorghum stalks tied one upon the other with dry, rattling fruit suspended from them. Large animals, however, like the wild boars and baboons in the mountains of western Urundi, are either kept out by fences or chased away by watchmen who walk around in the daytime and at night take up their positions in small huts perched on high posts. From there the guards from time to time set up a loud shouting or rattle with sticks. In the valleys of western

241 Urundi and Ruanda where water is abundant, crowned cranes,
136 spore geese, and Nile geese are the worst enemies of the crops since they eat the young budding sprouts of beans, sweet potatoes, pumpkins, millet, etc. The Bahutu try to frighten them away by rattles and shouting. Ibises, herons, and golden plovers also abound in the swamp valleys, but they do not attack the green crops and prefer to fish for frogs, worms, and snails in the drainage ditches. In the dry quartzite regions of eastern Urundi there are only a few such swamp valleys, and consequently there are only a few of the noxious birds mentioned above.

251 Harvested produce is partly kept in baskets and sacks in the huts, but most of it is put in the basket-shaped storage huts mentioned above (p.22) which are located near the living huts. Particularly beans, sorghum, and corn are stored in these basket-like huts. However, during the dry period ears of corn are suspended in large bundles from the fig trees surrounding the homestead. The tuberous fruit, namely, sweet potatoes, yams, manioc, and arrowroot, are usually not piled up but are left in the ground until they are needed. This is another reason why the quantity grown is never large, since it would spoil otherwise.

423 I mentioned before that further expansion of agriculture in Urundi is blocked by the peculiar conditions of ownership. The situation here is quite similar to that in Ruanda. None of the agricultural Bahutu owns the land that he cultivates. All the land is the property of the king who vests his high batwale with it, who in turn vest the lower Batussi batwale (see p. 134). The mutwale distributes the individual lots of land to the Bahutu he rules, who hold it in fee. [57] The Bahutu must ask his per-
423 mission whenever they intend to work a plot of land, build a hut,
651 or clear new ground for fields. They pay him a tribute of natural products which is done only once. In addition, they pay him an
[427] annual "tithe" as a ground rent. If the annual rent is not paid at harvest time, the mutwale may punish this tardiness by evicting the person from the land. The mutwale may also demand extraordinary tributes from the Bahutu without compensating them, for example, presents for the head chief, provisions for the caravan of a European passing through, etc. The gifts or payments made

423 651 in return by the Europeans are simply pocketed by the mutwale: Misera contribuens plebs [contributing to the misery of the people?]!

311 578 The main interest of the Mutussi feudal lord, however, is not the agricultural activity of the Bahutu but his cattle herds and their welfare. He is, therefore, chiefly interested in having abundant grazing land for his cattle. For this reason he is in most cases not at all enthusiastic if the Muhutu attempts to narrow down the already limited grazing area by clearing new fields for cultivation. This conflict of interests, which is of course decided by the Batussi in favor of grazing land and against agriculture, will continue even when this big country is some day opened to trade and commerce, and the Muhutu can sell his agricultural produce abroad. The conflict of 000 interests will become even more pronounced than it is at present, since the Bahutu will then attempt to increase their agricultural production and to sell more. These difficulties will only be alleviated by a thorough change in the conditions relating to pasture land and a partial shift to growing concentrated fodder and stall-feeding. These are problems which will be hard to solve in practice, but now that the central railroad has reached Lake Tanganyika and there are plans to increase the productivity of the contiguous large and populous areas, our leading statesmen in charge of colonial affairs will have to spend much thought on these questions. In the end it will be necessary to attack the fundamental evil pressing heavily upon these areas and retarding their development: the rule of the Batussi. For this purpose, however, more force is necessary than is available to us at present. If the colonial troops are not increased, the central railroad will nevertheless make it possible to concentrate military power more quickly than heretofore. Finally, the Bahutu will be with us against the Batussi when they realize that we are stronger than the latter.

241 782 At the end of this review of Barundi agriculture I shall mention briefly a few religious customs connected with it (No. 19, pp. 20-21). The local head chief of each of the large feudal districts or provinces gives the order for the

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As in Ruanda and the other Bahima states, from Unjoro in the north to Ufipa in the south (No. 47, p. 74), all the land, people, and cattle in Urundi belong to the king on the basis of his inherited right as conqueror. He distributes the land among the members of his family and his clan, the Baganwa, as a hereditary fief. He may reclaim it, however, if at any time he is dissatisfied with the holder. These grand vassals or grand batwale again subdivide their territory in many small fiefs among their followers, and these continue the process so that the entire country is covered by a gigantic network of vassals of the king (see p. 171 [not translated]). They are predominantly Batussi, and the lowest among them have approximately the position of a village mayor. The smallest territorial unit of this large administrative organization is the [361] mountain, the plateau ridge (umutumba, umurambi). In the highlands which are cut up by swampy valleys, the mountains bear the settlements, not the valleys. For this reason the boundaries of the provinces and their subdivisions are formed almost everywhere by the stream and river valleys, the most obvious and most effective natural lines of separation between the regions and their inhabitants. However, the large fiefs seldom consist of one continuous stretch of land within a region; almost always they are formed by numerous smaller pieces of territory distributed over various provinces. Thus, the important vassals are prevented from becoming too powerful for the king.

Of course, all vassals are expected to pay a certain amount of tribute to the king. From these the latter meets the expenses of his large household, pays his officials, and conducts his wars. Depending on the duties involved, there are three kinds of feudal tenure. 1) Land fiefs: their holders have to pay regularly a certain share of the produce of their fields to the king. 2) Cattle fiefs: the tenants monthly furnish a certain number of cattle, milk, and butter. 3) War fiefs: the holders must keep ready for action a certain number of warriors who must be placed at the king's disposal upon his command. Sometimes these three types of feudal tenure are combined in one region and in the

643 person of one vassal. This simplifies the administration con-
631 siderably. Often, however, the vassal is vested with the tenure
423 of the mountain and the Bahutu who live there as his bondsmen, but he does not receive at the same time all the privileges; another Mutussi may receive the war fief on the same mountain, i. e., he may have the duty of assembling the local men in case of war, or a third Mutussi on this mountain may be in charge of dividing up the grazing land, etc. [90] The object and result of this organization is to make each of the holders of these privileges jealously watch over the others and to insure that the king keeps the reins of power firmly in his hands.

634 The mutwale who has been vested with a fief is, however,
614 the ruler of the Bahutu and Batwa in his feudal domain. He determines the work load of his people and has jurisdiction over ordinary affairs. However, the position of the people under him is not at all like slavery. They enjoy a considerable amount of freedom and are entitled to certain privileges. In addition
[628] they always have as support their kin group, their clan, which can be depended upon to take secret, bloody revenge for any real acts of violence on the part of the batwale or any other person. It is a kind of Vehmic organization which is respected even by the most powerful Batussi batwale. Also, each Muhutu is entitled to leave his feudal lord if the latter maltreats him and to look for a new master. However, since the reputation
[554] and wealth of each Mutussi depends chiefly on how many people he has, it is in his own interests to see to it that his people do not leave him as a result of maltreatment.

662 The king always surrounds the high vassals and batwale with spies in order not to allow them to become too independent. Beyond that, however, jealousy and envy are powerful motives for each mutwale to exercise a check on his neighbor. Naturally intrigue and incrimination are widespread. If a case of dis-
687 loyalty or high treason is reported to the king and is discovered to be well-founded, royal justice acts quickly with spear and poison. Nevertheless, several grand batwale have managed to
631 attain a large degree of independence in the course of time. This is particularly true of those living in the exposed border

563 the law. The law of the land is, of course, a "master's law"
671 which favors the Batussi in all respects. In contrast, the Bahutu as bondsmen enjoy few privileges, and the Batwa are almost entirely without rights. The Batussi batwale often commit grave violations of the law, especially in their dealings with the Bahutu and Batwa without, however, being held responsible for such infractions. It is only the fear of vendetta that puts a restraint on their arbitrariness.

As is the case among all primitive people, the ethical
577 concepts of the Barundi regarding what is right and wrong are elusive. Questions aimed in this direction either remain unanswered or the reply is simply: "We do not know" or "the headman says so" or "our parents, superiors, the king wish it that way," and similar answers (No. 19, p. 381). One never hears that "conscience" prescribes certain actions or that the ghosts, the manes, or the gods wish it that way. Whatever is said on this subject has probably been suggested by the questioners, especially the missionaries. In contrast, concrete concepts of
671 law are much clearer. They are chiefly based on conditions of ownership and on social conditions, and they define something as right or wrong depending on whether it benefits or impairs these conditions which have become traditional.

As has been mentioned above (p. 91) the king is, in
●423 principle, the sole owner of the entire land and fields and of all the cattle in the country. As described above (p. 86), the batwale and the lesser district chiefs -- almost always Batussi -- hold larger or smaller portions of this royal property in feudal tenure, and they, in turn, parcel out smaller portions for the use of those Batussi who are not officials or for the use of the Bahutu. Whatever these latter produce from the fields and from the cattle belongs to them by law as their own property after they have paid their tribute to the feudal lords. The huts and the courtyard which the Murundi has set up on the plot of land left to him are also his property. However, he can be driven from his house and field, for example, if he fails to pay his tribute or if he has committed murder of theft and also if the feudal lord wishes to put someone else in his place, either a

423 person who will pay more tribute or who pleases him for other reasons (No. 19, p. 469). As a rule, however, families live on a piece of land for generations and till the soil for their own benefit and in part for that of their feudal lord. Before the Batussi era, this land was probably for the most part the property of the Bahutu clans (see p. 104). The homesteads inhabited by the Batussi are usually set somewhat apart from those of the Bahutu, outside the confines of fields in the grazing land.

421 The inhabitants own their huts and, in addition, everything they keep inside the huts or carry on their person. Thus, men, women, and children may own property, and the following may be items of property: huts, planted trees, produce still standing in the field or harvested, cattle that have been raised, furniture, tools, clothing, weapons, ornaments, trade objects, etc.

685 674 Property violations, i.e., damage and theft (uwivi), are frequent, but if someone leaves his hut unguarded, a woven screen in front of the door opening is usually sufficient to keep away uninvited guests. Although the kraals are surrounded by [417] strong fences and the paths between the fields are often lined with high euphorbia hedges (Plate 20), these have not been put up or grown as a protection against thieves but to pen and restrain the cattle. If a person steals something from [94] a homestead or produce from the fields, he is taken before the mutwale and is sentenced to severe corporal punishment unless he can pay a generous amount in damages of which the mutwale will appropriate one half (No. 4, p. 224).

692 627 The mutwale or in smaller districts the village chief is the judge who pronounces justice in all cases. Usually the Batwa take care of their legal disputes among themselves without appealing to their Murundi mutwale, but the Batussi and the Bahutu take every matter that cannot be settled by the family council before their mutwale. Usually the plaintiff brings several witnesses with him whenever possible, but at the same time he brings a present for the judge which is not without influence upon the verdict of the latter (No. 19, p. 472). In most cases 696 the convicted person receives his corporal punishment from the family members of the plaintiff or from the bodyguard of the chief if he has one. Concerning the types of punishment, see p. 97.

614 Wherever monarchy with its state organization has not yet
621 dissolved the clans and dispersed their members all over the various feudal districts of the Batussi state (see p. 89), wherever the clans have preserved the main elements of their ancient solidarity and autonomy, as is the case particularly in the more or less independent border provinces of Urundi (and Ruanda), the clans form small or large communities under an elected clan elder (umugabo). This is especially true of
614 the Bahutu clans that existed in the area before the period of
● 423 Batussi rule. The office of the umugabo is hereditary in
621 many cases. The central communalistic element in the organization of these clans is the communal ownership of the land occupied by the clan. The land belongs to the clan community probably because it was originally appropriated and cultivated by the clan. The individual clan members is merely entitled to the use of the land he cultivates or of the pasture where his cattle grazes. Only the hut built on this ground is the real property of the individual, in addition to the inventory of implements, tools, weapons, and the cattle he has raised from the herd with which he has been vested by his feudal lord (see p. 93).

614 E. Johanssen, a missionary who in 1907 founded the first
182 Protestant missionary stations of Dsinga and Kirinda in Ruanda
[114] and who is an eminent student of the Banjaruanda, makes the following comment on the social importance of the Ruanda clans: "These kin group organizations hand down the old customs and traditions from one generation to the next. In this way they preserve the national characteristics against intermixture and decay. The easier it is to loosen the ties of the family group in its narrowly defined sense as a result of polygamy and by the dissolution of marriage, the greater is the [105] importance of the stable, indissoluble, religiously determined kin group. The destruction of this group would cause the entire nation to disintegrate and to split up into isolated groups which would be exposed to any outside influence. There can be no doubt that the kin group, as the

643 796 between the various elements of the people; it was supposed to be a large contribution to the land's fertility and the country's welfare, and in all this the part played by the king was prominent.

643 631 Only in fact was the king's power limited. He transferred the leadership of parts of his sultanates to some chiefs, almost in every case relatives (brothers, uncles, cousins), members of the royal family (*baganwa*). In their turn these would establish subchiefs chosen among their relatives, or the aristocracy (*bafásoni*), or even Batutsi commoners, but seldom among the Bahutu. The division reached very far and the last elements of it were not only single hills, but even parts of a hill. And although the ensuing intrication and divided hierarchy remind us forcibly of our own feudo-vassalic middle ages, and appear consequently most unstable, the Barundi system, if we set aside some violent revolutions, possessed some sort of stability and could carry on thanks to its practically hereditary organization. Chiefs, subchiefs and all who had availed themselves of the deep-seated division of authority were naturally possessed of rights over the common people and were entitled to demand from them various privileges, usually defined by local custom, and which ranged from a present of beer to well-determined contributions or vaguer corvées (services).

423 661 Some scholars have maintained that the *mwami* definitely had a right of possession over the land of the whole of his sultanate. But the truth is that land was not an object of property for the *mwami* or for commoners and the *mwami* and his representatives simply had to allow its utilization and choose the people to carry it out. Such designations were, just as the political leaderships, more or less unstable, more or less precarious; there exists a heredity in fact; but it is possible for a chief, should he care to do so, to eject the tenants. Besides, the abandoned or untilled lands are at his disposal. The system in general enables members of the leading classes as well as members of the subject classes to constitute estates with the only difference that the former will possess large herds of cattle and have their lands tilled by people liable to unpaid service while the latter have only very few cows and must depend on their own labour and that of their families.

The political leader's say in agricultural matters also solves the difficult problem of proportioning field and pasture-lands. The chief will not allow the latter to be reduced, and the threat to the cattle-breeder is further avoided by the chief's right to use the sorghum fields for pastures after the harvest (*ibishaka-shaka*) either for themselves or for others.

423 The territory of an important chief, with its intermixing complex of herds, estates, revenues, and services, very often extended over large, sometimes

423 dispersed areas. The chief would have his *ingo* (plural of *rugo*, residence) built on several hills, and usually establish one of his wives in each of them, to direct the centre entrusted to her. This is a very typical estate organization : it is based on polygamy.

The position towards cattle-owners

422 661 We have said that the *mwami* did not possess the land : neither has he any right of possession over the big cattle. The *mwami* would sometimes take cattle where he found them, but this was only a violent misuse of his tyrannical power. Batutsi and even Bahutu cattle-rearers are definitely the owners of their herds when, of course, the cattle are not simply entrusted to them.

231 431 357 These cattle can be given and this very thing adds a great deal to their worth, for those who desire them are naturally attracted towards those who own them. The king presents with cows the great who come to pay him homage. During the great annual sorghum festival, he ritually distributes cattle to some methodically chosen persons. The great men used to be surrounded, and are still, with a group of servants of various ranks : *ntore* (vassals who owed them a more important military aid than the average tenants), *bagendanyi* (young attendants charged to carry out their messages), *bakamyi* (young Batutsi entrusted with the milking of the cows), *abungere* who watch over the cattle), *bakevri* (cooks), *inshoreke* (female attendants and servants). The most esteemed among these followers (*ntore*, *bagendanyi*, *bakamyi*) hope to receive cows one day, the *bakamyi* especially, on the day when they will leave the service to get married.

231 675 425 554 There are also the so-called cattle-contracts. Here are the most interesting of them : (1) A cattle-owner gives someone a cow, in exchange, the donee will later return a calf after the cow has calved two or three times. (2) An important owner gives several cows to a man who must in his turn permanently provide him with a milch-cow. (3) The owner of an important herd entrusts a man with the breeding of several cows which he may use for milk and manure ; one of the cows will be his if the herd has prospered.

In all these cases, the recipient becomes the liege of the donor (or the depositor). In some cases, the recipient is considered a near relative, even a son of the donor and marriage impediments ensue from the assimilation. On the other hand, the higher the donor is socially speaking, the less he tries to derive material profit from these transactions : his real profit is in the power he acquires over the person of the recipient.

423 425 *The relations between agriculturists*

Similar ties may exist between agriculturists. The

423 typical case is that of a man who has been allowed to
425 establish himself on a specified spot on a hill, that is, on the hill-side, between the stony higher belt and the swampy valley bottom; this gives him rights over the whole ground above and below him, up to the pasture-lands and down to the papyrus; now there may remain an uncultivated part in this vertical tract of land: if another agriculturist wishes to establish himself there, he will have to ask for the former occupant's permission, which as a rule can be received in exchange for a present. If the present is important, this will be equivalent to a kind of sale; if it is not, the new-comer will become the man, the *muhutu*, of the first-comer; he will have to obey him and carry out what commissions the other cares to entrust him with. The same relationship may arise if the occupant of an *itongo* (singular of *amatongo*) surrenders to a new comer lands that were already cultivated.

Relationship between craftsmen and other elements of the population

463 Industrial production is almost totally domestic, to the making of back-cloths (*impuzu*); there are however a few skilled handicraftsmen: potters, blacksmiths, makers of millstones, milkpots, bracelets, shell-jewels. Before markets were introduced, goods
435 used to be exchanged for food-stuffs or scrap-iron. This bartering was and still is practiced in the *ingo* as before.

431 But, besides this universal barter-system, there is what I have thought fit to call 'baronial exchange': it is practised among members of the aristocracy
435 only; it consists in offering members of the ruling
565 class some specified goods, in exchange for a cow; but this cow is admittedly worth more than the presented goods. Consequently, the giver of the goods will feel bound to go on making presents, until the recipient of them judges he is indebted in his turn and it is appropriate to bestow another cow. Of course, the recipient of the cows becomes the *muhutu* of the donor. I have gathered several instances of this relationship based on inequality: it occurs among salt-makers, blacksmiths, copper bracelets, pedlars (*abayangayanga*).

Women's activities

462 The wives of the great live in almost complete
461 inactivity; their *inshoreke* (attendants) do the domestic work for them ('they sweep the floor') or more delicate work (as fine basket-work). Only women till the land and make pots in Batwa households. Bahutu women till the land, sometimes, but not always, with the help of their husbands; the husband may have another job when he lives among a chief's attendants, has a trade of his own or peddles goods across the country.

[P. 15(B)]

224 They climb trees like squirrels to escape danger or to be on the lookout.
[487] They may spend a week or even two without returning home when tracking game, especially if an elephant is at stake. The wooded area is their domain. They know its thickets and crannies, and they track animals everywhere, stealthily through thorns and scrub, without ever running the risk of getting lost.

361 Pygmies live in groups of six or seven families scattered through
●423 the forest, which they have divided up like family property by settling their respective boundaries so as not to get in each other's way.

578] Hunting in a forbidden zone or even in a contested one has given rise to more than one bloody quarrel among brothers and friends.

There are hardly 15 of such groups of Negrillo hunters, who would find it hard to subsist if meat were their only food.

311 Willfully set fires for clearing purposes which have impoverished the forested land, as well as new political conditions which are gradually transforming the society, contribute to the dwindling of their food resources.

Soon, therefore, we may see the last representatives of those woodsmen join their other compatriots, the potters scattered through the Bahutu villages, or else start farming as some of them are already doing.

563 The Batwa live as a group apart. They do not mix with the Bahutu and much less with the Batutsi. They are a despised caste.

Ruanda was not politically united from the beginning. In the
631 following pages we shall see that it was parceled /37/ into a considerable number of tiny kingdoms and small independent principalities. The lands inhabited for the longest time seem to have been the Ndorwa, Buganza, Gissaka, and Bugessera in the northeast, the Nduga and Munyambiriri in the center, and the Bwana-Mkali in the southeast. The areas located in the northwest, the Mulera, Bugoyi, Bgisha, Kanage, etc., were slowly won over the forest and settled by people who came from neighboring regions.

642 Politically, Ruanda is an absolute monarchy.

The Banyarwanda belong to the type of society that is "more stratified, characterized by the establishment of a centralized power whose automatically binding warrants are transmitted to the humblest

[i.e., the Batwa. - Analyst]

428 Only boys share in the real estate (1).

1. As exceptions to this rule, one finds a few joint patrimonial domains which the co-heirs exploit together under the frerage (or frareshe). This kind of landed property is called isage (or ingaligazi).

The oldest son, or at least the one appointed by the dying man to succeed him, receives a share slightly larger than that of his brothers, owing to his right of primogeniture. If there are three heirs, the property is divided into three lots of equal size except for one field or one small banana grove.

This /latter/ parcel is called umusaya and is added to the share of the first heir.

Cattle and sheep are divided equally among them.

311 One does not find any free or abandoned land in Ruanda. There
●423 may be more or less extensive areas that lie fallow because they are not very fertile, or because the presence of wild beasts makes them too dangerous, or because they are too remote from inhabited centers or too extensive in relation to the population size, but they are not on this account res nullius /Tr.: nobody's property/. Their owners always retain the right to use them and take effective possession of them whenever they wish.

Forests, mountains, moors, marshes, and bogs are divided into a multitude of lots whose owners are publicly known.

[661] Through an abuse of authority, the chiefs may temporarily reserve for themselves part of the plateaus, valleys, or marshy lowlands to graze their cattle.

In spite of this, their subjects retain proprietary ownership of these lands and grasslands and they will not fail to assert their rights at the first opportunity, for example, when a chief departs or when he is replaced.

In some regions it frequently happens that the arable plots no longer meet the /48/ needs of the population. Then those men who

423 are least fortunate or most enterprising get together to sell or exchange
[311] their plots and go to the edge of the forest to buy a piece of land or to develop the one they owned there.

From then on, the clan to which they belong includes an additional village.

As in Europe the sale and lease of fields and banana groves is made in the presence of witnesses. Land boundaries are marked with stones and other conventional signs.

A felled tree, a displaced stone, some ground which has been broken in a neighbor's field over the dividing line, such things cause frequent litigations that give rise to disunity within families and among tribes over long periods of time.

361 The Munyarwanda /sing. of Banyarwanda/ remains attached to his native village, to his plot of land. He does not feel the need to move elsewhere, to change his domicile, as do the Blacks settled east and west of Tanganyika.

[134] Ruanda soil is richer by far and sustains numerous and varied crops.

245 In addition to the banana grove, which is the most important part of his property, the Munyarwanda has begun to plant trees and to cultivate coffee, which brings in large profits to which he was not
[231] accustomed. Ownership of a small herd of cattle or sheep makes his home even dearer to him.

593 It may be said that his home life is more stable than in neighboring areas, and that he leaves it only rarely (1).

[166]

1. The Blacks, too, are familiar with nostalgia and home sickness. The fear of a vendetta or the attraction of large salaries may temporarily induce the natives to expatriate themselves. Sooner or later, however, they return to the cradle of their ancestors. The Banyarwanda cite characteristic instances of this.

614 endangered by his plans for dividing his property, for instance,
627 if he impoverishes several of his sons, the clan often steps in,
#23 overrides his decision, and apportions his estate in a way that seems to it more suitable. With the disintegration of the clan and the increased power of the chief, this power passes to him, and he has the final word.

614 The rights of the individual are always sacrificed to the interests of the clan. In Bugoye I even heard that all the clan
#23 property is re-apportioned if the fields have become concentrated in the hands of a minority. This re-apportioning, I was told, is called kutshura hasi.

614 At present, under increased taxation and the Batutsi supremacy,
551 it is said that sometimes clan members who cannot pay their taxes are driven out and even replaced by outsiders. The latter then participate in the tax payments which are made in common. Such instances are possible, of course, only when clan organization disintegrates.

614 The clan also protects its women. If there are daughters in a household who have no guardian after the death of their father, they are taken into their brother's house as paternal aunts.

614 The protection of female clan members does not extend to their husbands, however. If husbands settle with their wife's clan
591 without being adopted, they are not regarded as equals. This
768 happens primarily when a widow and her children remain with members of the husband's clan and she takes a man into the house. The latter can simply be driven out after the woman's death.

671 In Bahutu Ruanda, society does not protect the weak. The
684 [235] individual who is on his own, not protected by any group,
178 is without legal rights and can be oppressed and even slain by anyone. Such attacks are not punished here. In the oppression of the defenseless, they see nothing anti-social since actually it achieves better organization. This is the principal means by which the unyielding masses are united into well-organized groups. Here we cannot fail to recognize the connection between the development of the clan system and the absence of general legal norms. That is why the disintegration of clan organization caused by the Batutsi is accompanied by the establishment of universal norms, despite all the despotism that accompanies conquest. Now the individual

settle among the clan members as clients (bagaragu) who perform services for them for which they get their food and from time to time a sheep or goat. They are poor devils who in this way must scrape together the means to buy a wife. There are others in the densely populated areas where there is no free land who rent acreage and even own houses on rented land. Others rent only as much land as is necessary for their hut and a small courtyard, and they make their living as day laborers.

We must point out that settling on the land of a strange clan presupposes a certain calm and stability and signalizes the impending deterioration of the clan community. Under more primitive conditions where clan organization is at its height, we seldom find cases of people settling on the land of a strange clan. Life among strangers would be too dangerous because feuds involving blood revenge might break out. There is no security against feuds between the clan of the host and that of the settler, and then the isolated person is the first victim because one can most easily get at him.

Property. The clans of Bugoye and Mulera occupy regions which were taken over and cleared by their ancestors several generations ago.

In Ruanda the clearing of the primeval forest plays a very important role in the conception of ownership. In Bugoye, despite the recent Batutsi conquest, land is regarded as the property of those whose ancestors [249] took possession of and cleared the corresponding sections of primeval forest. This comes out in legal cases involving property, when they cite as a witness the stone on which the bush knife (muhoro) was sharpened when the land under dispute was cleared. The party claiming the land says: "I shall bring the whetstone (uzakuha ulutsiaga) that my ancestor used when he cleared this piece." In view of this, the clan members may also be regarded as the owners of the land occupied by them.

However, although the huts, the animals, and all the furnishings are absolutely private possessions which one can dispose of as he sees fit, the possession of land is not entirely free of restrictions. The clan members really have only the use of the common property given them. The land, like its possessor, is the property of

614 623 the clan and can be disposed of only after the common interest has been considerable. These are the conditions that exist where the clans have not been subjugated and dispossessed by their conquerors.

[643] As a result of conquest, the land falls into the possession of the king and is granted to the subjects in his name by the chief he has appointed. Under such conditions, there can be no question of voluntary disposal of this land.

556 231 The wealth of the individual is not measured by the size of the fields he lays claim to, but solely by the number of cattle he owns. With a largely undifferentiated social organization and poor communication routes, the free sale of field products is slight. These products must serve almost exclusively to satisfy the needs of the producer. Moreover, in many parts of Ruanda there is still such a reserve of free land that its value is relatively low, and the monopolizing of this form of property by the privileged class becomes only a secondary means of social discipline.

Power can be much more easily exercised in Ruanda by a monopoly of cattle ownership. That is why the Batutsi are trying to get the ownership of cattle wholly in their hands and make individuals subservient to them by granting them cows and permitting them to share the milk.

Following this principle of rule which is most natural for herdsmen, the Batutsi, when they conquered Bugoye, punished the farmers only slightly; the clans were merely taxed. The Mugoye, however, must drive his cows into the woods and have them tended there when they no longer give milk and the household can do without them. Although the cow [250] could be pastured near his dwelling, he would rather take the risk of having the herder run off with his property than arouse the greed of the mighty, since this might lead to expropriation.

614 621 592 423 231 In conclusion we shall give some data about the property and the members of the three clan communities of Baishaza, Bahoma, and Bagwabiro, who live on the hills of Katebe and Kitebe near Nyundo. I obtained these figures by actual count in the field.

[251] This brief compilation gives us a good idea of how the clan communities are constructed and what they own. In this list only heads of families were consecutively numbered; their

6:Czekanowski--170 E-5 (1907-1909)1917 FO42 Rundi FO42

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Baishaza of Katebe

No	Name	Clan	Clan Members	Sons	Married Daughters	Unmarried Daughters	Wives	Bagaragu	Cows	Goats	Sheep	Fields	Banana Groves	
1.	Ndiramiye	Mwishaza	1	—	2	—	1	—	1/2	—	—	2	—	„mugabo"
	Nikora	„	1	1	—	1	1	—	—	—	—	—	—	
	Sebisogo	Muzogera	—	—	—	—	—	1	—	—	—	—	—	
2.	Seramunda	Mwishaza	1	4	—	1	2	—	3 4/5	5	2	3	1	
	Marceli	„	1	—	—	1	1	—	—	—	—	—	—	
	Semivombi	„	—	—	—	—	—	1	—	—	—	—	—	
3.	Ndereye	„	1	2	2	—	1	—	1/2	4	4	6	3	
	Donati	„	1	—	—	—	1	—	—	—	—	—	—	
	Semajeri	Mwambari	—	—	—	—	—	1	—	—	—	—	—	
	Semilyangu	Muvuna	—	—	—	—	—	1	—	—	—	—	—	
	Katutsi	Mukwa	—	—	—	—	—	1	—	—	—	—	—	
	Ndegeya	Mwichozi	1	—	—	—	—	1	—	—	—	—	—	
	Banitogega	Mukora	—	—	—	—	—	1	—	—	—	—	—	
4.	Mukuri	Mwishaza	1	1	2	—	1	1	—	—	—	4	1	
	Kolombani	„	1	—	—	2	1	—	1/2	—	—	2	—	
	Otto	„	1	—	—	—	1	—	—	—	—	—	—	
5.	Mpabuka	„	1	2	1	—	1	—	1/2	2	—	2	—	
	Sebichikira	„	1	—	—	1	1	—	—	3	2	—	—	outside
6.	Matayo	Muhuma	1	—	—	—	—	—	1 1/2	7	12	1	1	Son-in-law of No. 9.
	Biaga	Muahobio	—	—	—	—	—	1	—	—	—	—	—	
	Nyira Majoro	Muhuma	—	—	—	—	—	1	—	—	—	—	—	
	Nyira-Kimonjo	Mukara	—	—	—	—	—	1	—	—	—	—	—	
7.	Gukuru	Mwishaza	1	1	—	3	2	—	—	—	—	—	—	
8.	Marobi	„	1	1	—	2	1	—	1	4	4	1	—	Day laborer for board
	Ndamwete	„	1	—	—	—	1	—	—	—	—	—	—	
9.	Sebutama	„	1	2	1	—	1	—	1	2	2	4	1	
10.	Gafene	„	1	2	—	1	—	—	—	—	—	—	—	
11.	Senguri	„	1	1	—	1	1	—	1/2	1	—	4	2	Field of No.1
12.	Mafara	Munyabgisha	1	—	—	—	1	—	—	2	2	2	—	Son-in-law
	Birere	„	—	—	—	—	—	1	—	—	—	—	—	Brother of No.12
13.	Ndungutsi	Mwishaza	1	—	1	—	1	—	—	—	—	—	—	Field of No.1
14.	Bukara	„	1	1	2	—	2	—	—	—	—	1	—	
	Antigoni	„	1	—	—	—	—	—	—	2	—	2	—	
	Filipo	„	1	—	—	—	—	—	—	3	—	—	—	
15.	Segihobi	„	1	1	—	—	2	—	—	3	—	3	—	Children of vagrant wife
	— —		—	—	—	—	—	—	—	—	—	—	—	
16.	Nderiwamunda	„	1	—	1	—	—	—	—	—	—	—	—	
17.	Bihwehwe	„	1	1	—	1	1	—	—	3	—	4	2	
18.	Gihigwe	„	1	1	—	2	1	—	—	3	—	2	1	
										1	—	1	—	
			27	22	11	16	30	9	9 9/10	41	28	45	12	104 persons 1)

midwives

1) Among them 47 male clan members and two sons-in-law.

6: Czekanowski --171 E-5 (1907-1909)1917 FO42 Rundi FO42

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No.	Name	Clan	Clan Members	Sons	Married Daughters	Unmarried Daughters	Wives	Bagaragu	Cows plus	Bulls	Goats	Sheep	Fields	Banana Groves	
Bahoma of Kitebe (Balyolyo Branch)															
1.	Rugira	Mulyolyo	1	2	—	3	4	—	$2^1/_4+1$		3	4	3	1	„mugabo"
	Sebishimbo	Mudahe	—	—	—	—	—	1	—		—	—	—	—	
2.	Dominiko	Mulyolyo	1	1	—	1	1	—	$^1/_8$		2	2	2	—	
	Budjodjwe	Mugai	—	—	—	—	—	1	$3^1/_8+1$		—	—	—	—	
3.	Rukara	Mulyolyo	1	—	3	1	1	—	—		3	—	3	1	
	Muchuchu	Murashi	—	—	—	—	—	1	—		—	—	—	—	
	Birikunzira	Munyakaru	—	—	—	—	—	1	—		—	—	—	—	
	Rufigari	„	—	—	—	—	—	1	—		—	—	—	—	
4.	Faro	Mulyolyo	1	—	—	—	1	—	—		2	—	2	—	
	Sanzibarose	Mwambari	—	—	—	—	—	1	—		—	—	—	—	
5.	Rudjanju	Mulyolyo	1	3	—	3	2	—	$2^1/_4+1$		4	4	4	1	
	Mabgiri	Muhanuka	—	—	—	—	—	1	—		—	—	—	—	
	Karbagoye	Mutembe	—	—	—	—	—	1	—		—	—	—	—	
6.	Sedigi	Mulyolyo	1	1	—	—	1	—	$2+^1/_8$		2	2	4	1	
7.	Bihire	„	1	2	3	—	2	—	—		1	—	5	1	
8.	Bashaki	„	1	—	—	3	1	—	—		—	—	2	—	
9.	Ishaho	„	1	1	—	1	2	—	$2+^1/_8$		3	—	3	1	
	Mwiza	„	—	—	—	1	1	1	—		—	—	—	—	
10.	Patris	„	1	1	—	1	1	—	—		—	—	2	1	
			10	11	6	14	17	9	$12^3/_8+4$	24	12	30	7	61	persons 1)
Bagwabiro of Kitebe															
1.	Mwuyekure	Mugwabiro	1	2	1	1	3	—	$^1/_8$		5	2	4	1	„mugabo"
2.	Maliro	„	1	5	—	1	2	—	—		5	4	4	1	
3.	Semiteza	„	1	1	—	1	1	—	—		1	1	3	1	
4.	Mabembe	„	1	1	2	1	4	—	4		5	—	8	1	
	Karisti	„	—	—	—	—	—	1	—		—	—	—	—	
	Kichondo	„	—	—	—	—	—	1	—		—	—	—	—	
5.	Bidjari	„	1	2	—	—	2	—	1		6	—	10	1	
6.	Sekini	„	1	2	—	—	1	—	1		3	—	3	1	
7.	Sebihumira	„	1	1	—	—	1	—	—		$^1/_8$	—	4	—	
			7	14	3	4	14	2	$6^1/_8$	$25^1/_2$	7	36	7	41	persons 2)

1) Among them 21 male clan members.

2) Among them 21 male clan members.

grown sons are listed below them, and this shows that the average size of a family with its servants is about six persons, three or four of which occupy one hut. The number of huts is almost identical with the number of women. It is very important to note that the head of the Baishaza clan community, the mugabo, Ndiramiye, is one of the poorest farmers on Katebe.

[252] Chapter 12

King and State

The King. The power of the king is the active factor in the formation of the state in Ruanda which has influenced the passive factor, clan organization. The entire state is nothing more than the overgrown household of the king, into which all the Batutsi clans were first drawn and then absorbed. As the imperial household grew, the Bahutu clans were likewise drawn into its sphere of influence. They underwent a process of disintegration and differentiation which is still going on. In fact, in the northern part of Ruanda the process is still in its beginning stages.

In speaking of the clan communities of Katebe and Kitebe in Bugoyé, we mentioned the bagaragu (clients) who come from another district and attach themselves to the powerful in order to serve them and to get their living from them. Some among these hope to be granted a goat or even a cow. Among the clan elders, for example, Lukara, who enjoyed great influence in his clan, the number of these clients was large. He granted them parcels of land on which they could settle under his protection. The same thing goes on in the court of the king, with some modification and on a far greater scale. The king's bagaragu are not poor devils who have been exiled, but influential people with large retinues who in turn have dependents and subdependents. In this respect the Ruanda state is a pyramid with the king at the head and the free farm population without property at its base. In between are the high chiefs with their subchiefs as the organizing element that keeps the population in check.

Juhi Musinga, the ruler of Ruanda, was without doubt the most powerful of the native potentates whom I had an opportunity to see

643 of the king who are recognized and fully qualified. The moment a
644 king has a son whom he recognizes, the queen mother is said to be sent away. For this reason she brings all her influence to bear (and this influence is, as a rule, very great) to prevent the king, as long as possible, from recognizing any of his children as fully qualified.

643 Bagaragu. The king is the owner of all the land and all the
423 cows in the country. He exercises his power by granting these lands and recalling them when he is displeased. In this manner the king appoints his officials who as such can be regarded as temporary large landowners. The king keeps them in office and on their land, but he can drive them out or increase their holdings at any time.

643 The king is omnipotent. The only thing that does not yield to him is the physically impossible. Thus, for example, he can find no one who is inclined to settle as chief in Ndorwa, for this would be too dangerous in spite of the eventual help of the king.

661 An individual's power and possessions depend chiefly on the
643 favor of the king. This is the case to such an extent that even
558 the privileged must always remain in contact with the king or even live at his court, otherwise they cannot hold on to their success or their possessions. No matter how wealthy a man is, he can lose everything if he has no allies and if someone more fortunate succeeds in getting the king to withdraw his favor.

643 Every fortune hunter is surrounded by a number of clients who
644 dog his footsteps in the hope of participating in the successes of their patron. One can judge the importance and the prospects of the master by the number of these second-class fortune hunters who often have to content themselves with nothing more than gifts of milk from the king.

644 When I lived in Nyanza, I had an opportunity at eleven o'clock every morning to see the mighty ones, with a following of 50 to 60 men, march up to the king to give him a morning greeting. Among these were also completely impoverished [257] devils who, although they were marching up to the king as his bagaragu, had only one Muhutu in their retinue.

The most intimate associates of the king are his high chiefs. They are his clients (bagaragu). At the time of my visit in Nyanza

681 Punishment by whipping seems to be done less in Ruanda than in Bgisha where the chief ties people to trees and has them punished with up to 100 strokes of the whip on their backs. This [177] custom is said to have been borrowed from the English Askari who were stationed there.

● 423 428 On the subject of property rights we wish to make only a few general remarks. The entire country is the private property of the king and is regarded as either entrusted to the chiefs or granted to the clans. All the farmers and herdsmen are merely tenants or have the use of the land. As a consequence, the chief and clan community have the final word in matters dealing with the inheritance of usufruct of so-called crown property, that is, fields and cattle.

422 428 Only household goods, with the exception of cows, are private property in our sense, and here the wish of the person disposing of the property is decisive, although certain time-honored customs cannot be circumvented. In Bugoye, for example, the oldest son gets the spear and the stool of his father, whereas the shield belongs to the youngest son. (2) Lieutenant Spiltoire told me that in Bunyabungu, the principal heir seems to be the son of the sister, but because of his brief visit, he could not verify this.

2. Classe, Father, Moeurs et Coutumes des Bagoye [Manners and Customs of the Bugoye] (Les Missions Catholiques, 1905), p. 439.

692 695 Administration of Justice. In Ruanda the administration of justice is in the hands of the chiefs and the king.

Pronouncing judgment is only of secondary importance, but [280] the chiefs regard it as a sure means of gaining influence. The two parties regard the trial as an attempt to interest a powerful one -- a chief -- in their affairs, that is to say, to make their affairs the affairs of the mighty. The one who wins a case is simply the one who was more highly regarded by the chief and with whom, from now on, it is dangerous to quarrel. In Ruanda it is a long process from the pronouncement of justice to the execution of it.

8: Hall G-5 (1929-31) 1938 FO42 Rundi FO42

An instance which shows a number of these possibilities comes from the court book of Bugufi, a chiefdom in the north-west of Tanganyika Territory. A custom which might or might not be noted by the ethnographer—something must escape the most meticulous of observers, and this one is not recorded by Meyer for the Barundi, of whom the people of Bugufi are ethnologically part—is the right of the chief to pasture his cattle among the millet-stalks after the harvest, before the peasant may put in his own cattle or any which he is herding for some one else. The court book records eight peasants coming to court to complain against a Tusi who has driven off their cattle. The Tusi replies that the men had pastured their cattle in their millet before the chief had had access. Asked by the court whether he was instructed to drive off the cattle, the Tusi replies that he acted as he was bound to do in accordance with ancient custom and his obligations to the chief. New concepts have, however, found their way into the court, which gives judgement for the plaintiffs on the grounds that the land and the cattle were theirs. This case is exceptional in the wealth of statement and suggestion which it offers, but there are many others helpful in lesser degree.

The value of native court records in this way was brought home to me while stationed in this area, Bugufi, during the years 1929–31, when I went through the available material with a view to seeing what were the normal causes of litigation and getting a general idea of the law administered. Starting with the year 1924, the series was examined up to the end of 1930. For these seven years, 850 cases were found where judgement issued, there being a further 225 which had been settled out of court or dismissed for want of prosecution or by reason of limitation. Of these 850 cases, almost one-quarter concerned contracts where cattle were involved, nearly one-sixth were marital cases, and another sixth were over administrative matters, including offences against the Native Authority Ordinance: only one-seventh were of offences against person and property, and the remainder concerned debts, land, inheritance, damage to property and a few miscellaneous matters.

The fullest records were those of the numerous marital cases, and these have been fully collated with a view to giving an idea of how much information can be gleaned and what gaps remain, and what

9:Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

for instance with a widow, intercourse took place with a brother or a parallel cousin of the deceased husband.

Among the Hutu when the inzu as such possessed fields (*ingobii* or *ubukonde*), as happened particularly in the northern area (Bugoyi, Mulera, Ndorwa), the individual member had a right to a plot (*isambo*). He could not sell such a plot, but could let it (at a rent of about one hoe for two years). If the ancestor has received cows from a lord (*shebuja*), these cows, or rather their offspring, were the property of the inzu which happened to have some pasture land. Among the Tutsi there were usually no land rights vested in the inzu. Tutsi as well as Hutu inzu had no sacred place other than the ancestor's shrine in the *rugo* (enclosure) of the lineage-head and the small huts in the enclosure of each descendant.

From this one may infer that the lineage group at the end of the nineteenth century was not a group with a territorial basis. It is very likely that a territorial lineage group was common among the Hutu and had persisted in the north where Hutu were predominant and where Tutsi occupation had always been scanty and superficial (there were very few Tutsi settlers in that region, apart from administrative chiefs).[9] On the other hand all the activities of the inzu just described implied a rather close co-residence (which is, of course, different from the concept of a territorial basis). These frequent gatherings, blood-feuds, and the rendering of help in difficult circumstances would hardly have been possible if the members of the group had been living in scattered places several days' journey apart. This explains also the crucial importance of the change of residence in the formation of a new inzu. When a branch of an inzu had to leave and settle elsewhere, it was bound to become a new inzu because the former relations with the members of the inzu who did not move could not have been maintained, at least among the Hutu and ordinary Tutsi. This was less important for Tutsi chiefs who were in any case moving about and travelling frequently.

(c) *Social roles within the inzu*

Following the authors of *Toward a General Theory of Action*, social role is understood here as the totality of reciprocal

[9] For an account of the specific structure of the kinship system in the north of Ruanda, the present-day districts (*territoires*) of Kisenyi, Ruhengeri and part of Biumba, see Hertefelt, 1959.

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[P.89]

CHAPTER IV

ECONOMIC PRODUCTION

As we mentioned earlier, it was by land cultivation and cattle rearing that the Ruanda satisfied their fundamental subsistence requirements. Consequently land, cattle, knowledge of agricultural and cattle-breeding techniques, implements, and ability to work were essential in the economic process of production.

Ruanda economy was primitive in the sense that every rugo was a unit which had to produce practically all that was necessary for the subsistence of its members. None of these units concentrated on certain crops and obtained other foodstuffs by exchange. Every family head was a producer. What access had he, then, to the different factors of production?

Knowledge of agriculture and cattle-rearing techniques was part of the common heritage of every Ruanda. The Hutu were more expert agriculturalists than the Tutsi, and though some Tutsi were probably more versed in cattle-rearing any Hutu had the knowledge necessary to a tiller and a herdsman. Equipment was not very elaborate, and hoes and bill-hooks were not scarce.

Access to the other factors of production, land, cattle, and labour, was more restricted. We shall now consider what were the opportunities of the individual family head from that point of view.

I. LAND TENURE

When Ruanda are asked who is the owner of the fields and pastures, some answer it is the king, others the land chief or the cattle chief, others the family head or the lineage head. All of them are right, which means that the question is wrongly phrased

The Ruanda did not conceive of ownership as a private and exclusive right to the various uses to which a thing may be submitted. They regarded each of the uses as the object of a particular right. It was not thought necessary that one person should be endowed with the sum of the rights affecting one object. On the contrary, it was usual that different persons could claim

[Rugo: The basic dwelling unit or compound cf. P. 20 -- Analyst]

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different uses of the same thing. For instance, one person could have the right to sow a plot and to collect the harvest and another to use it for grazing purposes at another time of the year. Neither of them was considered as the owner letting somebody else use his property as a pasture or as a ground for cultivation.

On each pasture, cultivated plot or forest area, the king had a right very similar to the *dominion eminens* of Roman law, the kind of public ownership that a State has over the land within the borders. But he had also the right to prevent, if he chose to do so, somebody from using a particular tract of land in any way at all, which amounts to saying that the mwami had over land a right potentially superior to that of anybody else. The mwami's rights could be opposed to 'private rights'. In fact, the king very rarely insisted on this use of his rights and then only when he wanted to punish somebody who was guilty of disobedience or of some other crime.

The land chief's and cattle chief's rights to fields and pastures will be considered later in the section dealing with the administration. Suffice it to say here that these tax-collectors had the right to evict people for certain offences and to allocate land to newcomers in their districts.

The person endowed with rights on land for cultivation purposes was the head of a family (*rugo*). Mostly these rights came to him from his father's inheritance. Sometimes, however, it was a part of the bush that he had himself cleared. If he had not received enough from his father to support his family, he extended his plot in this way with the agreement of the political authority. If, because of a dispute with his brothers, he wanted to move elsewhere and the land chief could not allocate him a field already prepared at the place where he wanted to settle, he did the same. Such a plot was called *bukonde* as long as it was occupied either by the man who had cleared it or by his descendants. A third source of cultivation rights was the assignment by the land chief of a plot already prepared (*inkungu*). The former user of it had either to be evicted by the authority, or had left, or had died without heirs.

In the same way the family head had the right to use a certain area as pasture for his cattle either by inheritance, or by felling the trees of a tract of forest or by having it conceded by the cattle chief.

At the end of the nineteenth century the inzu had no collective

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At the end of the nineteenth century the inzu had no collective rights over certain areas except in the north of Ruanda (Mulera, Rwankeri, Bushiru, Bigogwe) where the Tutsi occupation had been more superficial. I have been told that there the soil belonged to the patrilineage and that there was no land or cattle chief. From the point of view of the individual, however, the situation was very similar: he inherited a share of his father's tract. The difference was that, if the part were insufficient, he had to apply for more to the lineage head instead of to the land-chief, and a plot left without heirs returned to the patrilineage instead of the political authority.

The person entitled to the use of a plot could not sell his right but could let the tract. The rent was about one hoe every other year plus a jug of beer each harvest. The tenant was not permitted to settle by building a hut or planting banana trees.

The Twa resented very much the expansion of fields and pastures in the forests they regarded as their possession. The authority was not concerned with the way they divided it into hunting areas.[1]

2. RIGHTS OVER CATTLE

The rights over each head of cattle were also manifold. Property in the Western sense was split up into different aspects.

A global right existed over all Ruanda cattle, even sheep and goats, by which the king could claim actual possession of any of them. The mwami used this right more frequently, it seems, over cattle than over land. An important chief indulging in intrigues regarded as dangerous by the king might find himself dispossessed of all his cattle. The king's right over all the cattle of Ruanda was a constant threat which seems to have very effectively deterred the Tutsi of the ruling set from becoming too independent.

Another right was very similar to our bare ownership. The person who had it was not in possession of the cow but could at any time claim possession of the animal and the heifers and cows produced by that beast since the time when the possession had been transferred. This was the right of the lord (*shebuja*).

In contrast there was the usufruct right with respect to cattle. The person endowed with it could dispose of the milk, the male increase of the cattle, and the dead cows. This was the typical right of the client (*garagu*).

[1] For a more extended account of the land tenure system in traditional Ruanda, see Maquet and Naigiziki, 1957.